

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE DIAZ HERMOSILLO, OSCAR
DIAZ HERMOSILLO, on behalf of
themselves and all others similarly situated,
and on behalf of the general public,

Plaintiffs,

v.

DAVEY TREE SURGERY COMPANY, et
al.,

Defendants.

Case No. 18-CV-00393-LHK

ORDER APPROVING SETTLEMENT

Before the Court is the parties' joint motion for approval of the Settlement Agreement that the parties reached regarding Plaintiffs Jose Diaz Hermosillo and Oscar Diaz Hermosillo's Private Attorneys General Act ("PAGA") claims against Defendants Davey Tree Surgery Company and The Davey Tree Expert Company. ECF No. 49; ECF No. 49-1, at 19 ("Settlement Agreement").¹

On June 3, 2021, the Court ordered the parties to file a supplemental declaration with further information justifying the two \$30,000 individual settlement payments for Plaintiffs Jose

¹ The parties' joint motion for settlement approval contains a notice of motion paginated separately from the points and authorities in support of the motion. ECF No. 49, at iii. Civil Local Rule 7-2(b) provides that the notice of motion and points and authorities must be contained in one document with the same pagination.

1 Diaz Hermosillo and Oscar Diaz Hermosillo. ECF No. 53. On June 11, 2021, the parties filed
2 supplemental declarations for both Jose Diaz Hermosillo and Oscar Diaz Hermosillo. ECF Nos.
3 54, 55. Each declaration explains how the \$30,000 individual settlement payment was calculated
4 based on Plaintiffs' potential individual claims against Defendants. The Court is satisfied with the
5 parties' explanation for how the two individual settlement payments were calculated.

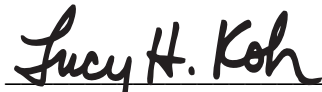
6 Having reviewed the parties' Settlement Agreement pursuant to California Labor Code §
7 2699(1)(2), the Court finds that the award is not "unjust, arbitrary and oppressive, or confiscatory."
8 Cal. Labor Code § 2699(e)(2). Moreover, the Court finds that the Settlement Agreement is fair
9 and reasonable and promotes the purposes of the Private Attorneys General Act.

10 Plaintiffs' Counsel has filed a separate, unopposed motion for attorneys' fees and costs.
11 ECF No. 50. The Court will issue a separate order regarding Plaintiffs' Counsel's motion for
12 attorneys' fees and costs.

13 For the foregoing reasons, having considered the parties' joint motion, the relevant law,
14 and the record in this case, the Court hereby GRANTS the parties' joint motion for settlement
15 approval.

16 **IT IS SO ORDERED.**

17 Dated: July 7, 2021



LUCY H. KOH
United States District Judge